

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

IN THE MATTER OF:

**SEAWORLD SAN DIEGO
500 SEAWORLD DRIVE
SAN DIEGO, CALIFORNIA
WDID NO. 9 000000083**

**NONCOMPLIANCE WITH ORDER NO.
2000-25, NPDES NO. CA0107336, WASTE
DISCHARGE REQUIREMENTS FOR
SEA WORLD SAN DIEGO, SAN DIEGO
COUNTY, DISCHARGE TO MISSION BAY**

)
)
) **REVISED**
) **COMPLAINT NO. R9-2004-0085**
) **FOR**
) **ADMINISTRATIVE CIVIL LIABILITY**
) **WITH**
) **MANDATORY MINIMUM PENALTIES**
)
)
) **MAY 13, 2004**
)
)
)

SEA WORLD SAN DIEGO IS HEREBY GIVEN NOTICE THAT:

1. Sea World San Diego is alleged to have violated provisions of law for which the California Regional Water Quality Control Board, San Diego Region (Regional Board) may impose civil liability pursuant to the Porter-Cologne Water Quality Control Act, Water Code section 13385 et seq.
2. A public hearing on this matter is tentatively scheduled before the Regional Board on June 10, 2004, at the Regional Board office located at 9174 Sky Park Court, San Diego, California. The meeting will begin at 9:00 a.m. At the hearing, Sea World San Diego will have the opportunity to be heard and to contest the allegations in this Complaint and the imposition of civil liability by the Regional Board. Additional notice of this public hearing and the hearing procedures will be provided to Sea World San Diego prior to the hearing date with the agenda for the Regional Board meeting.
3. At the hearing, the Regional Board will determine the validity of the allegations contained herein and, if the allegations are found to be true, will consider whether to assess civil liability in the amount proposed by this Complaint, or in some other amount.

ALLEGATIONS

4. On August 20, 2002, Sea World San Diego violated Order No. 2000-25 due to an exceedance of the fecal coliform effluent limitation as reported in the August 2002 monthly monitoring report.
5. On October 2, 2002, Sea World San Diego violated Order No. 2000-25 due to an exceedance of the enterococcus effluent limitation as reported in the October monthly monitoring report.

May 13, 2004

The following facts are the basis for the alleged violations in this matter:

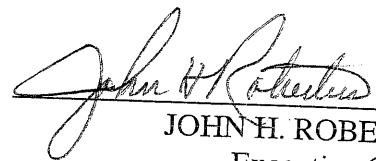
- a. On April 12, 2000, the Regional Board adopted Order No. 2000-25 establishing waste discharge requirements for the discharge of up to 3.24 million gallons per day through the east outfall or 6.12 million gallons per day through the west outfall to Mission Bay.
- b. Water Code section 13385(i)(1) requires the Regional Board to assess a mandatory penalty of three thousand dollars (\$3,000) for each violation whenever a person violates a waste discharge requirement four or more times in any period of six consecutive months.
 - i. On August 20, 2002, Sea World San Diego reported a fecal coliform result of 1700 MPN/100mL from the west outfall, which caused an exceedance in more than 10 percent of the samples for the 30-day period. This is the fourth waste discharge requirement violation in six consecutive months and is therefore classified as a chronic violation.
 - ii. On October 2, 2002, Sea World San Diego reported an enterococcus result of 280 CFU/100 mL, which exceeded the maximum at any time effluent limitation. This is the fifth waste discharge requirement violation in six consecutive months and is therefore classified as a chronic violation.

Two chronic violations are assessed \$3,000 per violation, giving a subtotal of \$6,000 for chronic violations.

PROPOSED CIVIL LIABILITY

8. Pursuant to Sections 13385(i) of the Water Code a mandatory minimum penalty should be imposed on Sea World San Diego in the amount of \$6,000, the amount of the mandatory minimum penalty for the above violations.

Dated this 13th day of May 2004


JOHN H. ROBERTUS
Executive Officer